

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

|                               |   |                   |
|-------------------------------|---|-------------------|
| IN RE:                        | * | CASE NO: 22-52799 |
|                               | * | (Chapter 11)      |
| EVERGREEN SITE HOLDINGS, INC. | * |                   |
|                               | * | (Judge Preston)   |
| Debtor/Debtor-in-Possession.  | * |                   |

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**RESPONSE OF DEBTOR EVERGREEN SITE HOLDINGS, INC. TO  
OBJECTION OF KARRY GEMMELL TO DEBTOR'S ELECTION TO PROCEED  
UNDER SUBCHAPTER V OF CHAPTER 11 OF THE BANKRUPTCY CODE (*DOC. 48*)**

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COMES NOW Debtor/Debtor-In-Possession Evergreen Site Holdings, Inc. ("Debtor"), by and through counsel, and for its Response to the Objection of Karry Gemmell to Debtor's Election to Proceed Under Subchapter V of Chapter 11 of the Bankruptcy Code (the "Objection") (*Doc. 48*) filed by Karry Gemmell ("Gemmell"), states as follows:

**BACKGROUND INFORMATION**

1. The Debtor filed for Chapter 11 Bankruptcy relief on September 22, 2022 (the "Petition Date") and has been operating its business as Debtor-in-Possession since that date.
2. Debtor elected to proceed under Subchapter V of Chapter 11 of the Bankruptcy Code.
3. The Debtor continues to manage its businesses as a Debtor-in-Possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code. Matthew T. Schaeffer was appointed the Subchapter V Trustee on September 26, 2022 (*Doc. 11*).
4. The Debtor is the owner of two (2) separate parcels of real estate located at 0 State Route 664 South, Logan, Ohio 43138 and 15111 State Route 664 South, Logan, Ohio

43138 (collectively the “Properties”)<sup>1</sup>. The Debtor has been the owner of the Properties since August 7, 2019 when it acquired the Properties pursuant to a purchase and sale agreement from M&T Property Investments, Ltd., an Ohio limited liability company (“M&T”). True and accurate copies of the Deeds conveying title to the Properties to the Debtor are attached hereto collectively as Exhibit “A” and incorporated by reference herein. At all times pertinent hereto the Properties have existed as two separate parcels and are each secured by separate mortgage obligations.

5. At the time of the Debtor’s acquisition of the Properties on August 7, 2019, there was no commercial tenant activity at the Properties. Located on a portion of the Properties were the remnants of an abandoned adventure park and zipline business which had been closed since June 14, 2014, more than five (5) years prior to the Debtor’s acquisition. The only operations on the Property at the time of Debtor’s acquisition were rents received from the three residential tenants of mobile homes located on one of the parcels of the Properties (the “Mobile Home Tenants”) and a residential single family home and accessory building.

6. As of the Petition Date, there was an operating zip line business by Eventuresencore, Inc. on Parcel 1. Due to a series of Court actions in the Hocking County, Ohio Clerk of Courts, Debtor has not received income from Eventuresencore, Inc. since March, 2021. Upon information and belief, Eventuresencore, Inc. has ceased operations on the Properties for the season.

7. Rental income from the Mobile Home Tenants was diverted prepetition and receipts post-petition have been sporadic and less than the monthly amount due per their agreements with Debtor.

8. Gemmell holds a final judgment against Mark Anthony, M & T Property Investments, Ltd., Hocking Peaks, LLC and Hocking Peaks Adventure Park, LLC which was rendered in the Hocking County Common Pleas Court, Case No. 13CV0046 on August 29, 2019.

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<sup>1</sup> Parcel ID No. 02-000833.0201 containing approximately 81.36 acres (“Parcel 1”) and Parcel ID No. 02-000833.0200 containing 60.60 acres (“Parcel 2”).

The issue of the validity of the judgment lien held by Gemmell on the Properties is disputed among the parties herein.

9. Gemmell in his *Response In Support and Joinder with Respect to the Motion of Reg Martin for Relief From Stay* (Doc. 59) (the “MFR Response”) argues that Debtor only has a right of redemption to the Properties and not ownership of the Properties themselves<sup>2</sup>. Debtor contends that it is the owner of the Properties, pursuant to applicable Ohio law, Gemmell’s argument in the MFR Response is in direct contravention with the arguments made in the Objection.

10. The Objection misstates the relevant facts as to the Debtor, Mr. Beatley, Mr. Anthony, Debtor’s purchase of the Properties, the case history between Gemmell and Debtor, and the background facts which lead not only to the filing of the Petition, but Debtor’s proper election to proceed under Subchapter V. The majority of the “Factual Background” stated in the Objection is completely irrelevant to a determination of whether or not a single asset real estate designation is applicable, and will not be addressed further herein.

### **LEGAL STANDARD**

Debtor’s primary business activity is not as a single asset real estate and therefore Debtor’s Subchapter V election is proper<sup>3</sup>.

For Subchapter V purposes, a debtor is defined as

“... a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of

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<sup>2</sup> A right of redemption, by its very nature, is not single asset real estate.

<sup>3</sup> While the Objection contends that it is the burden of the Debtor to show that the Subchapter V election is proper, it is the burden of the Movant that bears the burden of proving, by a preponderance of the evidence that a debtor is subject to the SARE provisions of the Bankruptcy Code. *In re Alvion Properties, Inc.*, 538 B.R. 527, 532 (2015), citing *In re Yishlam, Inc.*, 495 B.R. at 330; *In re TTM MB Park, LLC*, 2012 WL 844499, at \*1 (Bankr.S.D.Ala.2012); *In re Hassen Imports Partnership*, 466 B.R. 492, 507 (Bankr.C.D.Cal.2012). Accordingly, the Movant also has the burden of proof on the issue of whether a “single project” exists, which is a factual determination. *Alvion*.

the filing of the petition or the date of the order for relief in an amount not more than \$7,500,000 (excluding debts owed to 1 or more affiliates or insiders) not less than 50 percent of which arose from the commercial or business activities of the debtor;" 11 U.S.C. §1182(1)(A).

11 U.S.C. §51(B) defines "single asset real estate" as:

"Real property constituting a single property or project, other than residential real property with fewer than 4 residential units, which generates substantially all of the gross income of a debtor who is not a family farmer and on which no substantial business is being conducted by a debtor other than the business of operating the real property and activities incidental."

Single asset real estate ("SARE") means a building or buildings which were intended to be income producing, or raw land. *In re Kkemko, Inc.*, 181 B.R. 47, 51 (Bankr. S.D. Ohio 1995). In order for a determination of SARE three requirements must be met:

"(1) the debtor must have real property constituting a single property or project (other than residential real property with fewer than 4 residential units), (2) which generates substantially all of the gross income of the debtor, and (3) on which no substantial business is conducted other than the business of operating the real property and activities incidental thereto." *In re Scotia Pacific Co., LLC*, 508 F. 3d, 214, 220 (5<sup>th</sup> Cir. 2007).

If a debtor does not meet **any** prong, it is not a SARE. *Id.* (Emphasis added). Debtor owns more than one property. The Properties are two separate and distinct properties, having two different parcel identification numbers and separate secured debt obligations. Furthermore, there are no less than two projects occurring on the Properties at this time and with more projects and future development anticipated. Additionally, the Debtor's assets consist of more than just the two Properties. Consequently, the SARE test is not met and the Objection should be overruled.

## **ARGUMENT**

Debtor owns more than one parcel of real estate, which has several existing and planned projects between them, making a SARE designation presumptively inapplicable. Therefore, Debtor's bankruptcy case is not a single asset real estate case, and Debtor is entitled to keep its Subchapter V election herein. Courts focus on how the debtor treats its property and hold that the SARE provisions can apply to a debtor with multiple properties where the properties are linked together in some fashion in a common plan or scheme involving their use. *In re McGreals*, 201 B.R. 736, 742 (Bankr. E.D. PA, 1996)<sup>4</sup>. The mere fact of common ownership, or even a common border, will not suffice. *Id.* at 743. The debtor must also have a common plan or purpose for the property to satisfy the "single project" prong to satisfy the definition of SARE. *In re JJMM Int'l Corp.*, 467 B.R. 275, 277-278 (Bankr. E.D. N.Y. 2012). An element of commonality in the use of multiple properties needs to be consistent with the commonly accepted meanings of the component words 'single' and 'project'. *Alvion* at 536, citing *McGreals* at 743. Examples of projects that are considered SARE are in their nature are apartment complexes, office buildings, shopping centers, and large resorts<sup>5</sup>.

There is no dispute that the Debtor owns more than one parcel of real estate. The Properties have two separate parcel identification numbers and were conveyed to the Debtor by two separate deeds. Furthermore, the Properties each have two separate and distinct use codes. The 60 acre parcel has a Major Use Code of commercial vacant land and the 80 acre parcel has a Major Use Code of lodges and amusement parks. True and accurate copies of the Hocking County, Ohio Auditor Cards for the Properties, listing theses Major Use Codes are attached hereto as Exhibit "B" and incorporated by reference herein. This clearly establishes, not only that the Properties are two separate properties, but also that their uses are different and separate as well.

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<sup>4</sup> This interpretation of the term "single project" to require an element of commonality in the use of multiple properties is consistent with the commonly accepted meanings of the component words "single" and "project". See *Perrin v. U.S.*, 444 U.S. 37, 42, 100 S.Ct. 311, 314, 62 L.Ed.2d 199 (1979). *Id.* See also, *Alvion* at 535. (The term "project" is defined in Webster's dictionary as "a separate plan or design").

<sup>5</sup> See *In re Vargas Realty Enter, Inc*, 2009 WL 2929258 @4-5 (Bankr. S.D.N.Y. July 23, 2009), *In re Webb MTN, LLC*, 2008 WL 656271 @ 1 (Bankr. E. D. Tenn. March 6, 2008), and *McGreals* at 743.

The Objection incorrectly argues that there is only one project on the Properties. Specifically, the Objection states that because the business operated by Eventuresencore, Inc, allegedly has a Frisbee golf course that encroaches upon a portion of the second parcel of real estate from the one which encompasses the majority of its business, that this is a single project over the Properties and an SARE designation applies. Upon information and belief, Eventuresencore, Inc, does not operate the Frisbee golf course and only advertises the zip line courses on Parcel 1. The Objection further suggests that because Debtor is only a landlord, performing landlord duties, that there is a commonality of purpose for SARE. This argument completely disregards the nature of the residential rental business of the Mobile Home Tenants as against the nature of the commercial rental involving Eventuresencore, Inc., and other potential income and use of the Properties.

Eventuresencore, Inc. is a commercial tenant and Debtor acts as a commercial landlord in its dealings with Eventuresencore, Inc. or any other similarly situated tenant on the Properties. As a commercial landlord, Debtor's rights and obligations are governed by Ohio Revised Code §1301 et, seq. Commercial landlords have rights under the law, for example, the right to lock out a tenant without judicial proceedings, which are prohibited in residential tenant agreements. In contrast, Debtor acts as a residential landlord in its dealings with the Mobile Home Tenants and the single family home. As a residential landlord, Debtor's rights and obligations are governed by Ohio Revised Code §5321 et seq. Residential leases offer many legal protections that do not apply to commercial contracts. They guarantee safe living conditions for residential tenants and generally residential Landlords are required to maintain the property. While Debtor's business, by the very nature of the separate and distinct projects on the Properties, the Debtor acts as to those projects in separate and distinct ways. The activities of Eventuresencore, Inc. and the Mobile Home Tenants are not the same. There is no commonality of purpose between them and their activities are not "single" or one "project". Further, there are additional projects and income potential for the Debtor in the form of oil and gas leases, sale of timber, hosting special events, cabin development, expanded mobile home sites, and future home sites. Debtor has also intended to investigate operating the zipline business directly in the event Eventuresencore vacates the premises, but has been unable to do so with the pending litigation.

For these reasons and those stated above, the SARE test fails and Debtor is entitled to keep its Subchapter V election going forward.

WHEREFORE, for the foregoing statements and case law provided, the Debtor respectfully requests that this Court deny the *Objection of Karry Gemmell to Debtor's Election to Proceed Under Subchapter V of Chapter 11 of the Bankruptcy Code* and for all other relief which is just and proper.

Respectfully submitted,

/s/ Darlene E. Fierle

Darlene E. Fierle (0081217)

Denis E. Blasius (0082617)

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Case Attorney for

Debtor/Debtor-in-Possession

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 9, 2022, a copy of the foregoing RESPONSE OF DEBTOR EVERGREEN SITE HOLDINGS, INC. TO OBJECTION OF KARRY GEMMELL TO DEBTOR'S ELECTION TO PROCEED UNDER SUBCHAPTER V OF CHAPTER 11 OF THE BANKRUPTCY CODE, was electronically served on all registered ECF participants through the Court's ECF system at the email address registered with the Court.

/s/ Darlene E. Fierle

Darlene E. Fierle (0081217)

Denis E. Blasius (0082617)

EXHIBIT "A"

GENERAL WARRANTY DEED\*

*M & T Property Investments LLC, a limited liability company organized and existing under the laws of the State of Ohio, for valuable consideration paid, grant(s) with general warranty covenants all its right, title and interest, to Evergreen Site Holdings, Inc., a Florida Corporation*

*whose tax mailing address is 70 King St., Eustis, FL 32726*

*in the following **REAL PROPERTY**: Situated in the State of Ohio, County of Hocking and in the Township of Falls, T14N, R17W, and more particularly described as follows:*

*See Attached Exhibit "A"*

Subject to Mortgage from M & T Property Investments, LTD, an Ohio Limited Liability Company to The Citizens Bank of Logan, dated December 13, 2005, filed for record December 16, 2005 at 2:26 p.m. to secure \$202,000.00 of record in Official Record Book 353, Page 77. Assignment of Mortgage to Timber View Properties, LLC, a Florida limited liability company filed for record July 1, 2015 at 11:37 a.m. in Official Record Book 555, Page 382. NOTE: Timber View Properties, LLC, has now been converted to Timber View Properties, Inc., a Florida corporation.

*Subject to taxes and assessments, which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, of record for said premises, subject to all of which this conveyance is made.*

*Parcel Number: All of 02-000833.0200 (60.5995 acres)*

*Prior Instrument Reference: Official Record Book 353, Page 74 of the Records of Hocking County, Ohio.*

*Grantor has caused its company name to be subscribed hereto by Mark Anthony, its sole member, thereunto duly authorized by resolution of the company, this 7 day of August, 2019.*

*M & T Property Investments LLC, an Ohio  
Limited Liability Company*

By: \_\_\_\_\_

*Mark Anthony*

*Its: Sole Member*



Exhibit "A" cont.

Thence with the said west line, North 6° 31' 30" East a distance of 215.78 feet to the principal place of beginning, containing 10.2516 acres, more or less.

The above described tract was surveyed by George F. Seymour, Ohio Registered Surveyor No. 6044, September 7, 1978

TRACT THREE:

Situated in the County of Hocking in the State of Ohio and in the Township of Falls and being bounded and described as follows:

Being part of a 80.973 acre tract, O.R. 244, Page 312, in the Northwest quarter of Section 29, T14, R17, and being more particularly described as follows;

Beginning at a 3" axle found marking the Southwest corner of the East half of the Northwest quarter of said Section 29 said axle also marking the principal place of beginning of the tract herein to be described;

Thence South 85 degrees 08 minutes 46 seconds East 1326.54 feet to a point in the centerline of State Route #664, passing a 5/8"x 30" iron pin found with 1 1/4" plastic I.D. cap stamped SVE-8127 at 1256.83 feet;

Thence North 04 degrees 37 minutes 32 seconds East 144.18 feet in the centerline of said State Route #664 to a point;

Thence North 01 degrees 53 minutes 49 seconds East 150.35 feet in the centerline of said State Route #664 to a point;

Thence North 89 degrees 46 minutes 18 seconds West 499.90 feet leaving the centerline of said State Route #664 to a 5/8"x 30" iron pin set with a 1 1/4" plastic I.D. cap stamped "JRC-7486", passing a 5/8"x 30" iron pin set with 1 1/4" plastic I.D. cap stamped "JRC-7486", at 33.87 feet;

Thence North 04 degrees 55 minutes 49 seconds East 369.21 feet to a 5/8"x 30" iron pin set with 1 1/4" plastic I.D. cap stamped "JRC-7486";

Thence North 68 degrees 58 minutes 12 seconds West 847.60 feet to a point; passing a 5/8"x 30" iron pin set with 1 1/4" plastic I.D. cap stamped "JRC-7486" at 844.31 feet;

Thence South 05 degrees 16 minutes 45 seconds West 859.39 feet to the principal place of beginning, containing 17.0873 acres.

Basis of Bearings: October 2004 Magnetic.

This description was prepared from the results of an actual survey performed by James R. Cartwright, Ohio Professional Surveyor #7486.

### GENERAL WARRANTY DEED\*

*M & T Property Investments LLC, a limited liability company organized and existing under the laws of the State of Ohio, for valuable consideration paid, grant(s) with general warranty covenants all its right, title and interest, to Evergreen Site Holdings, Inc., a Florida Corporation*

*whose tax mailing address is 70 King St., Eustis, FL 32726*

*in the following **REAL PROPERTY**: Situated in the State of Ohio, County of Hocking, and in the Township of Falls, Township 14, Range 17 and more particularly described as follows:*

*See Attached Exhibit "A"*

Subject to Mortgage from M & T Property Investments, LTD, an Ohio Limited Liability Company to The Citizens Bank of Logan, dated December 2, 2004, filed for record December 13, 2004 at 2:59 p.m. to secure \$350,000.00 of record in Official Record Book 322, Page 803. Assignment of Mortgage to Timber View Properties, LLC, a Florida limited liability company filed for record July 1, 2015 at 11:37 a.m. in Official Record Book 555, Page 382. NOTE: Timber View Properties, LLC, has now been converted to Timber View Properties, Inc., a Florida corporation.

*Subject to taxes and assessments, which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, of record for said premises, subject to all of which this conveyance is made.*

*Parcel Number: All of 02-000833.0201(81.3617 acres)  
Address: 15111 State Route 664, Logan, Ohio 43138*

*Prior Instrument Reference: Official Record Book 322, Page 798 of the Records of Hocking County, Ohio.*

*Grantor has caused its company name to be subscribed hereto by Mark Anthony, its sole member, thereunto duly authorized by resolution of the company, this 7 day of August, 2019.*

*M & T Property Investments LLC, an Ohio  
Limited Liability Company*

By:   
Mark Anthony

Its: Sole Member

Exhibit "A"

TRACT I:

Situated in Falls Township, Hocking County, Ohio; being part of the West half of the Northeast quarter of Section 29, Township 14, Range 17; and being more particularly described as follows:

Commencing for reference at a 3/4 " iron pin found at the Northwest corner of Section 29; thence with the North line of Section 29 North 90 degrees 00 minutes 00 seconds East a distance of 2659.54 feet to a 5/8" iron pin set and being the point of Beginning of the tract of land to be described; thence continuing with the North line of Section 29 North 90 degrees 00 minutes 00 seconds East a distance of 799.67 feet to a MAG nail set in the center of State Route 664 and passing a 5/8" iron pin set at a distance of 730.20 feet;

Thence with the center of State Route 664 the following thirteen bearing and distances:

- 1) South 36 degrees 54 minutes 34 seconds West a distance of 103.32 feet to a MAG nail set;
- 2) South 33 degrees 15 minutes 34 seconds West a distance of 87.39 feet to a MAG nail set;
- 3) South 28 degrees 23 minutes 18 seconds West a distance of 147.93 feet to a MAG nail set;
- 4) South 23 degrees 47 minutes 53 seconds West a distance of 91.07 feet to a MAG nail set;
- 5) South 19 degrees 15 minutes 47 seconds West a distance of 167.29 feet to a MAG nail set;
- 6) South 16 degrees 10 minutes 43 seconds West a distance of 239.10 feet to a MAG nail set;
- 7) South 16 degrees 23 minutes 05 seconds West a distance of 233.57 feet to a MAG nail set;
- 8) South 17 degrees 35 minutes 26 seconds West a distance of 159.70 feet to a MAG nail set;
- 9) South 20 degrees 47 minutes 32 seconds West a distance of 137.45 feet to a MAG nail set;
- 10) South 23 degrees 16 minutes 20 seconds West a distance of 261.86 feet to a MAG nail set;
- 11) South 28 degrees 22 minutes 52 seconds West a distance of 283.08 feet to a MAG nail set;
- 12) South 23 degrees 27 minutes 40 seconds West a distance of 97.43 feet to a MAG nail set;
- 13) South 17 degrees 03 minutes 44 seconds West a distance of 144.28 feet to a MAG nail set;

thence leaving the center of State Route 664 North 0 degrees 36 minutes 59 seconds East a distance of 1978.56 feet to the point of beginning, passing a 5/8" iron pin set at a distance of 73.67 feet, containing 17.476 acres more or less, and subject to the public easement of State Route 664 and any other public or private easements of record.

The above 17.476 acre survey is intended to describe part of the 113.09 acre remaining tract as deeded to Edward N. Hankison, deed reference Volume 108, Page 617, Hocking County Recorder's Office. This survey was based upon information obtained from tax maps, deed descriptions, previous surveys, existing monumentation, and an existing public road. The reference bearing for this survey is the North line of Section 29 as North 90 degrees 00 minutes 00 seconds East. Bearings are based upon an assumed meridian and are to denote angles only. All iron pins set by this survey are 5/8" by 30" and are capped by a 1-1/4" plastic identification cap stamped LPG-6344. The above described property was surveyed by Larry P. Gerstner, Ohio Registered Surveyor No. 6344, on October 26, 2000.

TRACT II:

Situated in Falls Township, Hocking County, Ohio. Being all of the East half of the Northwest quarter of Section 29, Township 14, Range 17 and being more particularly described as follows:

Being all of an 80 acre tract as described in Deed Book Volume 114, Page 191, to Edward N. Hankison. Commencing for reference at a 3/4" iron pipe found at the Northwest corner of Section 29 of Falls Township;

Thence North 90 degrees 00 minutes 00 seconds East a distance of 1329.97 feet to a 5/8" iron pin set, and being the point of beginning of the tract of land to be described;

Thence North 90 degrees 00 minutes 00 seconds East a distance of 1329.97 feet to a 5/8" iron pin found;

Exhibit "A" cont.

Thence South 00 degrees 36 minutes 59 seconds West a distance of 1978.56 feet to a MAG nail found in the centerline of State Route 664, and passing a 5/8" iron pin found at a distance of 1904.89 feet;

Thence with the centerline of State Route 664, the following bearings and distances:

- 1) South 12 degrees 12 minutes 50 seconds West a distance of 89.68 feet to a Point;
- 2) South 06 degrees 23 minutes 42 seconds West a distance of 85.68 feet to a Point;
- 3) South 00 degrees 49 minutes 25 seconds East a distance of 115.11 feet to a Point;
- 4) South 02 degrees 45 minutes 49 seconds East a distance of 249.25 feet to a Point;
- 5) South 00 degrees 02 minutes 06 seconds East a distance of 144.18 feet to a Point;

Thence leaving the centerline of State Route 664, North 89 degrees 43 minutes 22 seconds West a distance of 1326.48 feet to 3" Axle found, and passing a 5/8" iron pin set at a distance of 69.71 feet;

Thence North 00 degrees 42 minutes 09 seconds East a distance of 2653.25 feet to the point of beginning and containing 80.973 acres, more or less, subject to the public easements of State Route 664 and any other public or private easements of record.

The above 80.973 acre survey was based upon information obtained from tax maps, deed descriptions, previous surveys, existing monumentation and existing public roads. The reference bearing for this survey is the North line of Section 29 as North 90 degrees 00 minutes 00 seconds East. Bearings are based upon an assumed meridian and are to denote angles only.

All iron pins set by this survey are 5/8" X 30" and are capped by a 1-1/4" plastic identification cap stamped "SVE-8127".

The above described property was surveyed by S. Vince Evans, Ohio Registered Surveyor No. 8127, on January 2, 2002.

SAVE AND EXCEPT THE FOLLOWING DESCRIBED PREMISES:

Situated in the County of Hocking in the State of Ohio and in the Township of Falls and being bounded and described as follows:

Being part of a 80.973 acre tract, O.R. 244, Page 312, in the Northwest quarter of Section 29, T14, R17, and being more particularly described as follows;

Beginning at a 3" axle found marking the Southwest corner of the East half of the Northwest quarter of said Section 29, said axle also marking the principal place of beginning of the tract herein to be described;

Thence South 85 degrees 08 minutes 46 seconds East 1326.54 feet to a point in the centerline of State Route #664, passing a 5/8"x 30" iron pin found with 1 1/4 " plastic I.D. cap stamped SVE-8127 at 1256.83 feet;

Thence North 04 degrees 37 minutes 32 seconds East 144.18 feet in the centerline of said State Route #664 to a point;

Thence North 01 degrees 53 minutes 49 seconds East 150.35 feet in the centerline of said State Route #664 to a point;

Thence North 89 degrees 46 minutes 18 seconds West 499.90 feet leaving the centerline of said State Route #664 to a 5/8"x 30" iron pin set with a 1 1/4" plastic I.D. cap stamped "JRC-7486", passing a 5/8"x 30" iron pin set with a 1 1/4" plastic I.D. cap stamped "JRC-7486" at 33.87 feet;

## GENERAL PARCEL INFORMATION

**Parcel:** 02-000833.0201  
**Property Address:** 15111 ST RT 664

### PROPERTY OWNER

**Name:** EVERGREEN SITE HOLDINGS, INC.  
**Address:** 70 KING ST  
**City State Zip:** EUSTIS FL 32726

### TAX MAILING ADDRESS

**Name:**  
**Address:**  
**City State Zip:**

**Section:** 29-0-SEC  
**Township:** Falls  
**School District:** Logan-Hocking Local School District  
**Major Use and Codes:** 465 LODGES/AMUSPKS  
**Legal Description:** PT NE & PT NW & PT SW  
**Deed Reference:** DEED OR646-472

## VALUATION

|                       | Appraised (100%) | Assessed (35%) |
|-----------------------|------------------|----------------|
| <b>Land Value</b>     | \$250,860.00     | \$87,800.00    |
| <b>Building Value</b> | \$319,370.00     | \$111,780.00   |
| <b>Total Value</b>    | \$570,230.00     | \$199,580.00   |
| <b>CAUV Value</b>     | \$0.00           | \$0.00         |
| <b>Taxable Value</b>  | \$199,580.00     |                |

## LAND

| Description   | Acres/<br>Frontage | Effective<br>Frontage | Depth | Depth<br>Factor | Actual<br>Rate | Effective<br>Rate | Extended<br>Value | Influence<br>Factor | True<br>Value |
|---------------|--------------------|-----------------------|-------|-----------------|----------------|-------------------|-------------------|---------------------|---------------|
| PRIMARY       | 6                  | 0                     | 0     | 0               | 0              | 18000             | 108000            |                     | 108000        |
| SECONDARY     | 1                  | 0                     | 0     | 0               | 0              | 9000              | 9000              |                     | 9000          |
| RESIDUAL      | 74.36              | 0                     | 0     | 0               | 0              | 1800              | 133850            |                     | 133850        |
| <b>Total:</b> | <b>81.36</b>       |                       |       |                 |                |                   |                   |                     | <b>250850</b> |

## SALES

| Sale # | Sale Date  | Sale Price | Sale Type | Land Value | Building Value | Buyer                         | Valid Sale | Number of Properties |
|--------|------------|------------|-----------|------------|----------------|-------------------------------|------------|----------------------|
| 451    | 8/8/2019   | 400000     |           | 167230     | 184600         | EVERGREEN SITE HOLDINGS, INC. | YES        | NA                   |
| 771    | 12/13/2004 | 350000     |           | 0          | 0              | M & T PROPERTY INVESTMEN      | YES        | 0                    |

## AGRICULTURAL

| Land Use | Soil Code | Soil Type | Soil Name | Acres | Market Rate (\$ / acre) | Market Value | CAUV Rate (\$ / acre) | CAUV Value |
|----------|-----------|-----------|-----------|-------|-------------------------|--------------|-----------------------|------------|
|----------|-----------|-----------|-----------|-------|-------------------------|--------------|-----------------------|------------|

**EXHIBIT "B"**

## TAX

| Current                |      |         | History  |            |              |
|------------------------|------|---------|----------|------------|--------------|
| Tax Year               |      |         | Tax Year | Net Tax    | CAUV Savings |
| Gross Charge           | 2021 | \$0.00  |          |            |              |
| Reduction Factor       |      | \$0.00  | 2020     | \$5,867.60 | \$0.00       |
| 10% Rollback           |      | \$0.00  | 2019     | \$5,926.82 | \$0.00       |
| 2.5% Homesite Rollback |      | \$0.00  | 2018     | \$5,784.82 | \$0.00       |
| Homestead Reduction    |      | \$0.00  | 2017     | \$5,697.30 | unavailable  |
| Penalty/Adjustment     |      | \$32.48 |          |            |              |
| Net Annual Tax         |      | \$0.00  |          |            |              |
| CAUV Savings           |      | \$0.00  |          |            |              |

SKETCH

Grid Scale: 5ft

A 2 F 512 sqft  
B 1 F A 384 sqft  
C OFF P 240 sqft

IMPROVEMENTS

| Story | Half Story | Basement | Attic | Construction | Type | Sq-Ft | Value |   |       |
|-------|------------|----------|-------|--------------|------|-------|-------|---|-------|
| 2     |            |          |       |              |      | 512   |       | a | *MAIN |
| 1     |            |          |       |              | A    | 384   |       | b | ADDTN |
|       |            |          |       | OFF          | P    | 240   | 6200  | c | PORCH |

| IMPROVEMENTS (cont'd) |       |            |          |       |              |           |       |      |           |       |            |                   |                      |                        |            |          |
|-----------------------|-------|------------|----------|-------|--------------|-----------|-------|------|-----------|-------|------------|-------------------|----------------------|------------------------|------------|----------|
| Building Type         | Story | Half Story | Basement | Attic | Construction | Condition | Size  | Area | Unit Rate | Grade | Year Built | Replacement Value | Physical Deprecation | Functional Deprecation | True Value | Features |
| DWELLING              | 2     |            |          |       | FR           | OG        |       | 896  | 0         | D+10  | R10G       | 250150            | 30                   | 0                      | 175110     |          |
| GARAGE                | 1     |            |          |       | FR           |           |       | 3540 | 1300      |       | OLD        | 46020             | 40                   | 0                      | 27610      |          |
| SHELTER HOUSE         |       |            |          |       |              |           | 21X24 | 504  | 800       |       |            | 4030              | 10                   | 0                      | 3630       |          |
| SHED                  | 1     |            |          |       | FR           |           | 12X20 | 240  | 800       |       | 2008       | 1920              | 0                    | 0                      | 1920       |          |
| SHED                  | 1     |            |          |       | FR           |           | 12X20 | 240  | 800       |       | 2010       | 1920              | 0                    | 0                      | 1920       |          |
| SHELTER HOUSE         | 1     |            |          |       | FR           |           | 15X20 | 300  | 800       |       | 2010       | 2400              | 0                    | 0                      | 2400       |          |
| SHELTER HOUSE         |       |            |          |       |              |           | 8X10  | 80   | 800       |       |            | 640               | 10                   | 0                      | 580        |          |
| SHELTER HOUSE         |       |            |          |       |              |           | 12X36 | 432  | 800       |       |            | 3460              | 10                   | 0                      | 3110       |          |
| SHELTER HOUSE         |       |            |          |       |              |           | 12X36 | 432  | 800       |       |            | 3460              | 10                   | 0                      | 3110       |          |

## DWELLING COMPUTATIONS

|                |       | SQ-FT               | VALUE  |
|----------------|-------|---------------------|--------|
| Main:          | FRAME | 896                 | 184320 |
| Full Upper:    |       | 512                 | 79920  |
| Partial Upper: |       | -                   | -      |
| Basement:      |       | -                   | -      |
| Attic:         |       | -                   | -      |
| SUBTOTAL:      |       |                     | 264240 |
| Topo           |       | Extra Living Units: | -      |
| Code           | 4002  | Finished Basement:  | -      |
|                |       | Finished Attic:     | -      |
|                |       | Fireplaces:         | -      |
|                |       | Heating:            | -      |
|                |       | Air Conditioning:   | 7500   |
|                |       | Plumbing:           | -      |
|                |       | Garage / Carport:   | -      |
|                |       | Ext. Features:      | 6200   |
|                |       | Misc:               | -      |
| TOTAL:         |       |                     | 277940 |

RESIDENTIAL

|                               |                                 |
|-------------------------------|---------------------------------|
| Occupancy:                    | 1 SINGLE FAM                    |
| Living Area (SqFt):           | 1408                            |
| Neighborhood Factor:          | 4002 (Falls Default Commercial) |
| Year Built:                   | R10G                            |
| Number of Stories:            | 2                               |
| Split Level:                  |                                 |
| Roof Type:                    |                                 |
| Roof Material:                | SHINGLE                         |
| Total Rooms:                  | 4                               |
| Total Bedrooms:               | 0                               |
| Total Baths:                  | 1                               |
| Total Family Rooms:           | 0                               |
| Masonry Veneer (Linear Feet): |                                 |
| Masonry Veneer (Height):      |                                 |
| Garages:                      | 1                               |
| Carports:                     | 0                               |

## RESIDENTIAL DETAIL

|                                | Basement | First Floor | Full Upper Floor | Partial Upper Floor | Attic |
|--------------------------------|----------|-------------|------------------|---------------------|-------|
| Sq. Feet (Finished/Unfinished) | 0 / 0    | 896         | 512              | 0                   | 0/0   |
| Value                          | 0        | 184320      | 79920            | 0                   | 0     |
| Plaster/Drywall                |          |             | X                |                     |       |
| Framing (LOG SIDINGEX-WL)      |          |             |                  |                     |       |
| Paneling                       |          | X           |                  |                     |       |
| Fiberboard                     |          |             |                  |                     |       |
| Unfinished                     |          |             |                  |                     |       |
| Wood Joist                     | W        |             |                  |                     |       |
| Fire-Resist                    |          |             |                  |                     |       |
| Fire-Proof                     |          |             |                  |                     |       |
| Hardwood                       |          |             |                  |                     |       |
| Pine                           |          | X           | X                |                     |       |
| Carpet                         |          |             |                  |                     |       |
| Concrete                       |          |             |                  |                     |       |
| Interior                       |          |             |                  |                     |       |
| Tile / Linoleum                |          |             |                  |                     |       |
| Floor                          |          |             |                  |                     |       |
| Rooms                          | 0        | 2           | 2                | 0                   | 0     |
| Bedrooms                       | 0        | 0           | 0                | 0                   | 0     |
| Family Rooms                   | 0        | 0           | 0                | 0                   | 0     |
| Formal Dining Rooms            | 0        | 0           | 0                | 0                   | 0     |
| Insulation                     |          |             |                  |                     |       |
| Central Air                    | A        |             |                  |                     |       |
| Central Heat (PROPANE)         | A        |             |                  |                     |       |
| Floor / Wall                   |          |             |                  |                     |       |
| Standard Plumbing              | 0        | 1           | 0                | 0                   | 0     |
| Extra Fixture                  |          |             |                  |                     |       |
| Extra 2-Fixture                |          |             |                  |                     |       |
| Extra 3-Fixture                |          |             |                  |                     |       |
| FirePlace Stacks               |          |             |                  |                     |       |
| FirePlace Openings             |          |             |                  |                     |       |

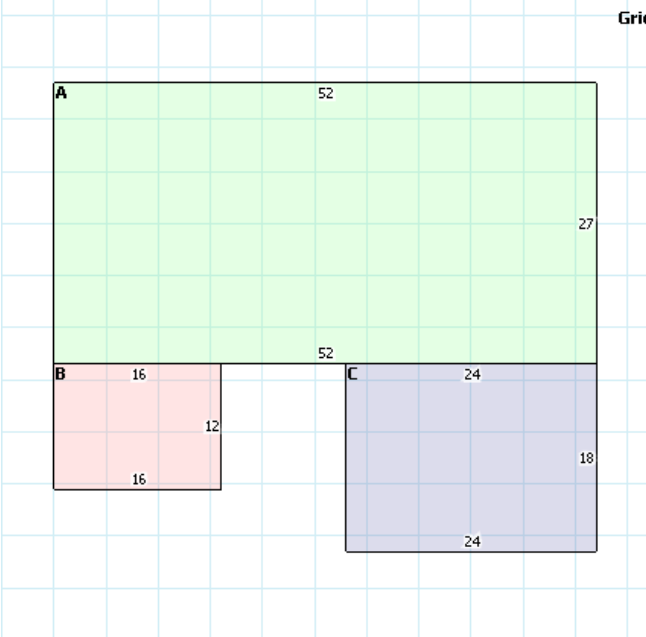
SKETCH

Grid Scale: 5ft

A1 FR1404 sqft

B DK P192 sqft

C DK P432 sqft



IMPROVEMENTS

| Story | Half Story | Basement | Attic | Construction | Type | Sq-Ft | Value |   |       |
|-------|------------|----------|-------|--------------|------|-------|-------|---|-------|
| 1     |            |          |       |              |      | 1404  |       | a | *MAIN |
|       |            |          |       | DK           | P    | 192   | 2200  | b | PORCH |
|       |            |          |       | DK           | P    | 432   | 4600  | c | PORCH |

| IMPROVEMENTS (cont'd) |       |            |          |       |              |           |       |      |           |       |            |                   |                      |                        |            |          |
|-----------------------|-------|------------|----------|-------|--------------|-----------|-------|------|-----------|-------|------------|-------------------|----------------------|------------------------|------------|----------|
| Building Type         | Story | Half Story | Basement | Attic | Construction | Condition | Size  | Area | Unit Rate | Grade | Year Built | Replacement Value | Physical Deprecation | Functional Deprecation | True Value | Features |
| MH/RE                 | 1     |            |          |       | FR           |           | 27X52 | 1404 | 0         | D-10  |            | 98960             | 0                    | 15                     | 84120      |          |
| ZIP PLATS             |       |            |          |       | (DEC         |           | KS)   | 1152 | 800       |       |            | 9220              | 10                   | 0                      | 8300       |          |
| GARAGE                |       |            |          |       |              | AV        | 12X24 | 288  | 0         | C     | 2015AV     | 7560              | 0                    | 0                      | 7560       |          |





**Card Notes**

| Card | Type             | Note                             |
|------|------------------|----------------------------------|
| 0    | DWELLING NOTE    | #02-0972 FAIRMONT                |
| 0    | BUILDING NOTE    | 15103 ST RT 664                  |
| 0    | OUTBUILDING NOTE | #2-0927 SKYLINE, #2-0365 OAKWOOD |







## GENERAL PARCEL INFORMATION

Parcel: 02-000833.0200  
Property Address:

### PROPERTY OWNER

Name: EVERGREEN SITE HOLDINGS, INC.  
Address: 70 KING ST  
City State Zip: EUSTIS FL 32726

### TAX MAILING ADDRESS

Name:  
Address:  
City State Zip:

Section: 29-0-SEC  
Township: Falls  
School District: Logan-Hocking Local School District  
Major Use and Codes: 400 COM VAC LAND  
Legal Description: PT NE & PT NW & PT SW  
Deed Reference: DEED OR646-468

## VALUATION

|                | Appraised (100%) | Assessed (35%) |
|----------------|------------------|----------------|
| Land Value     | \$109,090.00     | \$38,180.00    |
| Building Value | \$0.00           | \$0.00         |
| Total Value    | \$109,090.00     | \$38,180.00    |
| CAUV Value     | \$0.00           | \$0.00         |
| Taxable Value  | \$38,180.00      |                |

## LAND

| Description | Acres/<br>Frontage | Effective<br>Frontage | Depth | Depth<br>Factor | Actual<br>Rate | Effective<br>Rate | Extended<br>Value | Influence<br>Factor | True<br>Value |
|-------------|--------------------|-----------------------|-------|-----------------|----------------|-------------------|-------------------|---------------------|---------------|
| RESIDUAL    | 60.6               | 0                     | 0     | 0               | 0              | 1800              | 109080            |                     | 109080        |
| Total:      | 60.60              |                       |       |                 |                |                   |                   |                     | 109080        |

## SALES

| Sale # | Sale Date  | Sale Price | Sale Type | Land Value | Building Value | Buyer                         | Valid Sale | Number of Properties |
|--------|------------|------------|-----------|------------|----------------|-------------------------------|------------|----------------------|
| 450    | 8/8/2019   | 118000     |           | 72710      | 0              | EVERGREEN SITE HOLDINGS, INC. | YES        | NA                   |
| 830    | 12/16/2005 | 202000     |           | 57230      | 0              | M & T PROPERTY INVESTMEN      | YES        | 0                    |
| 666    | 9/25/2002  | 425884     |           | 0          | 0              | SHEETS, CLARK JR. & CAHT      | YES        | 0                    |

## AGRICULTURAL

| Land Use | Soil Code | Soil Type | Soil Name | Acres | Market Rate (\$ / acre) | Market Value | CAUV Rate (\$ / acre) | CAUV Value |
|----------|-----------|-----------|-----------|-------|-------------------------|--------------|-----------------------|------------|
|----------|-----------|-----------|-----------|-------|-------------------------|--------------|-----------------------|------------|

## TAX

| Current                |      |        | History  |            |              |
|------------------------|------|--------|----------|------------|--------------|
| Tax Year               |      |        | Tax Year | Net Tax    | CAUV Savings |
| Gross Charge           | 2021 | \$0.00 |          |            | Delinquent   |
| Reduction Factor       |      | \$0.00 | 2020     | \$1,212.70 | \$0.00       |
| 10% Rollback           |      | \$0.00 | 2019     | \$1,224.94 | \$0.00       |
| 2.5% Homesite Rollback |      | \$0.00 | 2018     | \$1,195.58 | \$0.00       |
| Homestead Reduction    |      | \$0.00 | 2017     | \$1,177.50 | unavailable  |
| Penalty/Adjustment     |      | \$6.71 |          |            | \$1,308.04   |
| Net Annual Tax         |      | \$0.00 |          |            |              |
| CAUV Savings           |      | \$0.00 |          |            |              |


A sketch is unavailable for this parcel.

| Story | Half Story | Basement | Attic | Construction | Type | Sq-Ft | Value |
|-------|------------|----------|-------|--------------|------|-------|-------|
|-------|------------|----------|-------|--------------|------|-------|-------|

| Building Type | Physical Characteristics |            |          |       |              |           |      |      | Financial Data |       |            |                   | Performance Metrics   |                         |            |          |
|---------------|--------------------------|------------|----------|-------|--------------|-----------|------|------|----------------|-------|------------|-------------------|-----------------------|-------------------------|------------|----------|
|               | Story                    | Half Story | Basement | Attic | Construction | Condition | Size | Area | Unit Rate      | Grade | Year Built | Replacement Value | Physical Depreciation | Functional Depreciation | True Value | Features |







020008270100

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713

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